

Remarks

Claims 1-24 were presented for prosecution. Claims 6 and 7 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 2, 5, 10, 12-17, 19-21, and 23 are rejected under 35 USC 102(a) as being allegedly anticipated by Takechi et al., JP 174685 ("Takechi"). Claims 3, 4 and 11 are rejected under 35 USC 103(a) as being unpatentable over Takechi in view of Murphy, US 6,009,335, claims 6-9, 18 and 22 are rejected under 35 USC 103(a) as being unpatentable over Takechi in view Gibson ("Communications Handbook"), and claim 24 is rejected under 35 USC 103(a) as being unpatentable over Takechi in view of Russo US 6,167,078. Applicant has herein amended claims 1, 7, 14 and 24, and canceled claims 6 and 18. Applicant submits that these amendments address the 35 USC 112, first paragraph rejection. No new matter is believed added.

Applicant submits that claim 1 (which now includes the features of canceled claim 6) is not obvious over Takechi in view of Gibson. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In the present case, the cited reference fails to meet each of the three basic criteria required to establish a *prima facie* case of obviousness.

Applicant traverses the rejection of independent claim 1 because, as amended, claim 1 recites:

"a first global positioning system (GPS) receiver for receiving a carrier signal;

a signal encoder system for encoding data using a first clock signal at a predetermined clock frequency, wherein the clock signal is derived directly from the carrier signal;
a data transmitter for transmitting the encoded data; and
a security system for changing the predetermined clock frequency to a predetermined sequence of frequencies.”

As admitted in the Office Action, Takechi does not disclose a security system for changing the predetermined clock frequency to a predetermined sequence of frequencies. While Gibson does generally describe a system for frequency hopping a signal, there is no teaching or suggestion in the references of modifying Takechi as suggested in the Office Action. As disclosed, an important goal of Takechi is the elimination of waveform distortion (see, e.g., Abstract). As noted in Gibson, in “view of the large bandwidths over which the frequency synthesizer must operate, it is difficult to maintain phase coherence from hop to hop” in a frequency hopping system. Accordingly, because Gibson teaches that frequency hopping may introduce waveform distortion, one skilled in the art would not be inclined to add such a feature to Takechi since Takechi seeks to eliminate distortion. Accordingly, Applicant submits that claim 1 is not obvious over Takechi in view of Gibson. Claim 14 and the claims depending from claims 1 and 14 are believed allowable for the reasons stated above, as well as for their own additional features.

Applicant also traverses the rejection to claim 24. In particular, neither Takechi nor Russo teach or suggest a communication device that uses a clock signal derived from a GPS signal and a UART to provide asynchronous communications with another communication device.

With regard to the remaining claims 10-13 and 19-23, as well as the claims addressed above, Applicant respectfully submits that the translation of Takechi is insufficient in its clarity to adequately interpret what is being taught.

Applicant respectfully submits that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated:

11/2/04



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